

1 THE HONORABLE JOHN C. COUGHENOUR
2 THE HONORABLE S. KATE VAUGHAN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 INLAND NORTHWEST RENAL CARE)
11 GROUP, LLC d/b/a NORTHPONTE)
12 DIALYSIS,) Case No. C19-1758-JCC-SKV
13 v. Plaintiff,)
14 WEBTPA EMPLOYER SERVICES, LLC) **JOINT MOTION TO ADJUST**
15 and FIRST CHOICE HEALTH NETWORK,) **CERTAIN PRE-TRIAL DEADLINES**
16 INC. Defendants.
17 _____)

18 The Parties to the above-captioned action, Plaintiff Inland Northwest Renal Care Group,
19 LLC d/b/a Northpointe Dialysis (“Northwest”), Defendant WebTPA Employer Services, LLC
20 (“WebTPA”), and Defendant First Choice Health Network, Inc. (“First Choice”) (collectively,
21 the “Parties”) hereby jointly move to adjust the pre-trial deadlines related to discovery,
22 dispositive motions, and settlement/mediation, consistent with the table set forth below. The
23 Parties believe and agree that the deadline adjustments requested in this Joint Motion will allow
24 sufficient time to complete their preparation of the case for trial and that the requested
25 adjustments are necessary, in the best interests of the Parties, and supported by good cause. In
26 support of this Joint Motion, the Parties state as follows:
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JOINT MOTION TO ADJUST CERTAIN PRE-TRIAL DEADLINES - 1
No. C19-1758-JCC-SKV

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1 1. This lawsuit arises from a dispute between the Parties with regard to the rates
 2 that Defendant WebTPA paid for the dialysis and related services that Plaintiff Northwest
 3 provided to a specific patient under the PPO network operated by Defendant First Choice.

4 2. Plaintiff Northwest filed this action on October 30, 2019. On December 6, 2019,
 5 Defendant WebTPA moved to dismiss all claims against it. After extensive briefing, Judge
 6 Theiler issued a Report and Recommendation on March 26, 2020 recommending that
 7 WebTPA's motion be denied. Dkt. No. 44. The Court adopted Judge Theiler's Report and
 8 Recommendation on April 14, 2020. Dkt. No. 45.

9 3. Following the denial of WebTPA's motion to dismiss, the Parties began paper
 10 discovery in earnest, and those efforts continued until early 2021 when the Parties agreed to
 11 schedule a mediation for May 26, 2021. The Parties agreed to informally stay discovery
 12 pending the mediation in order to focus their efforts on preparing for the mediation.
 13 Unfortunately, the mediation was unsuccessful.

14 4. Immediately following the mediation, the Parties continued their diligent efforts
 15 to complete discovery. In late 2021, the Parties agreed to a framework to conduct further
 16 mediations in February 2022 in order to hopefully resolve the case without the need for further
 17 litigation.

18 5. In order to focus their efforts on settling this dispute, the Parties moved to stay
 19 this case and all related deadlines on February 2, 2022. Dkt. No. 67. On February 4, 2022, the
 20 Court granted that motion and entered an Order staying the case for a period of 90 days in order
 21 to permit the Parties to engage in settlement discussions. Dkt. No. 68.

22 6. Despite the Parties' good faith efforts, they were unable to reach a mutually
 23 agreeable settlement. The Parties thereafter, on March 11, 2022, filed a motion to lift the stay
 24 and enter a new case scheduling order, which the Court granted on March 14, 2022. Dkt. Nos.
 25 69-70. After the Court lifted the stay, the Parties once again resumed their diligent efforts to
 26 complete discovery.

1 7. At present, all Parties have answered written discovery and produced documents
 2 and are resuming work to complete their remaining productions and resolve outstanding
 3 discovery disputes. Counsel for Northwest and WebTPA have held numerous meet and confer
 4 conferences throughout 2021 and 2022 that have successfully narrowed their discovery disputes
 5 in an effort to move this case toward the most efficient resolution. However, the Parties agree
 6 that they are not currently in a position to meet the deadlines related to discovery, dispositive
 7 motions, and settlement/mediation set forth in the current Case Scheduling Order.

8 8. The parties have conferred and stipulate and agree that the discovery, dispositive
 9 motion, and settlement/mediation deadlines can be adjusted, without extending the current trial
 10 date, such that the Parties will have sufficient time to complete document and deposition
 11 discovery, seek resolution of any remaining discovery disputes, and properly prepare their
 12 respective cases for trial. The proposed new dispositive motion deadline is left sufficiently in
 13 advance of the trial date to allow resolution of any such motions. For the Court's convenience,
 14 the Parties have included a table below that sets forth: (1) the case deadlines that they seek to
 15 continue, (2) the current date of each deadline, and (3) the recommended new date for each
 16 deadline:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL set for 9:30 a.m. on	4/24/2023	Unchanged
Length of trial		5 days
Disclosure of expert testimony under FRCP 26(a)(2)	7/25/2022	11/18/2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	8/15/2022	12/9/2022
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter	8/23/2022	1/13/2023
Discovery to be completed by	9/26/2022	1/13/2023
All dispositive motions must be filed by this date and noted for consideration no later than the fourth Friday thereafter	10/25/2022	11/23/2022
Settlement Conference per LCR 39.1(c)(2) held no later than	11/22/2022	2/3/2023
Mediation per LCR 39.1(c) held no later than	12/22/2022	3/3/2023

1	All motions in limine must be filed by this date and noted 2 for consideration no earlier than the third Friday after filing but no later than the Friday before the pretrial conference	3/24/2023	Unchanged
3	Agreed LCR 16.1 Pretrial Order Due	4/10/2023	Unchanged
4	Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibits due by this date; Counsel are to confer and indicate with their 5 submissions which exhibits are agreed to	4/17/2023	Unchanged
6	Pretrial Conference	To be set as needed	

7 9. The adjustments requested above will allow the Parties to complete the
discovery necessary to properly prepare this case for trial.

9 10. A Proposed Order is submitted herewith.

10 WHEREFORE, the Parties respectfully request that the Court issue a new Case
11 Scheduling Order adjusting the pre-trial deadlines relating to discovery, dispositive motions,
12 and settlement/mediation specified in this Joint Motion, consistent with the dates in the table
13 set forth above.

Respectfully submitted by the Parties on this 21st day of July, 2022:

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1 **{Proposed} Order**

2 The Parties' Joint Motion to Adjust Certain Pre-Trial Deadlines is hereby GRANTED
3 and IT IS HEREBY ORDERED that the Clerk shall issue a new Case Scheduling Order
4 adjusting the pre-trial deadlines specified in this Joint Motion consistent with the table set
5 forth in the foregoing Joint Motion.

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8 **SO ORDERED this 21st day of July, 2022.**

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12 S. KATE VAUGHAN
13 United States Magistrate Judge